

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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SIDNEY L. COLEMAN and  
LAKESHA M. JOHNSON,

Plaintiff,

ORDER

v.

13-cv-765-wmc

DAVID COMPTON, *et al.*,

Defendants.

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Plaintiff Sidney Coleman is presently incarcerated by the Wisconsin Department of Corrections as the result of a felony conviction from Dane County. Coleman and co-plaintiff Lakesha M. Johnson have filed a proposed civil action pursuant to 42 U.S.C. § 1983, alleging civil rights violations by fourteen named defendants employed by the City of Madison Police Department and unspecified John and Jane Doe defendants. Both plaintiffs request leave to proceed without prepayment of the filing fee and have been found indigent for purposes of the federal *in forma pauperis* statute. *See* 28 U.S.C. § 1915(a). Now pending before the court is plaintiffs' "motion for appointment of counsel." (Dkt. # 13). The motion is denied for reasons set forth briefly below.

Before plaintiffs may proceed in this case, the court must consider the pleadings and determine whether the complaint is frivolous, malicious, fails to state a claim upon which relief may be granted or seeks monetary relief from defendants who by law are not entitled to relief. 28 U.S.C. § 1915(e)(2)(b). Because the court has not yet completed the screening process with regard to the pending complaint, plaintiffs' motion for counsel must be denied as premature.

In addition, it is well established that civil litigants have no constitutional or statutory right to the appointment of counsel. *See, e.g., Ray v. Wexford Health Sources, Inc.*, 706 F.3d 864, 866-67 (7th Cir. 2013); *Luttrell v. Nickel*, 129 F.3d 933, 936 (7th Cir. 1997). The most a court can do is determine whether to recruit counsel *pro bono* to assist an eligible plaintiff who proceeds under the federal *in forma pauperis* statute. *See* 28 U.S.C. § 1915(e)(1) (“The court may request an attorney to represent any person unable to afford counsel.”); *Pruitt v. Mote*, 503 F.3d 647, 653-54 (7th Cir. 2007) (en banc) (noting that, at most, the federal IFP statute confers discretion “to recruit a lawyer to represent an indigent civil litigant *pro bono publico*”). In other words, a reviewing court only has discretion to recruit a volunteer. *Ray*, 706 F.3d at 867. Once the complaint has been screened, the court will consider whether this case meets the criteria for volunteer counsel.

#### ORDER

IT IS ORDERED that plaintiff’s motion for counsel (Dkt. # 27) is DENIED at this time as premature.

Entered this 31st day of January, 2014.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge